



## **New Jersey Department of Children and Families Policy Manual**

Manual:	CP&P	Child Protection and Permanency	Effective Date: 2-5-2019
Volume:	III	Case Management	
Chapter:	C	Case Management and Oversight	Revised
Subchapter:	1	Case Management	Date: n/a
Issuance:	500	Indian Child Welfare Act and Native American Placements	

### **Purpose:**

This issuance establishes policy and procedures related to CP&P compliance with the Indian Child Welfare Act and placement of youth with tribal affiliations.

### **Authority:**

The Indian Child Welfare Act, 25 USC 1901 et seq and implementing regulations at 25 CFR Part 23.

### **Policy:**

#### **A) Inquiry into Tribal Affiliation**

Workers shall explicitly ask if a child is member of or eligible for membership in a federally recognized Native American tribe whenever out of home placement of that child becomes reasonably likely. The question shall be posed to parents, relatives, the child him or herself, or any other person reasonably likely to have information on the child's tribal affiliation or eligibility for membership in such a tribe.

#### **B) Confirmation of Asserted or Potential Tribal Affiliation**

If a child is identified as being a member of a federally recognized tribe or eligible for membership in such a tribe, Workers shall complete [Form 11-78](#) to the greatest degree feasible, and forward the completed or partially completed

form to their concurrent planner. The concurrent planner, shall forward the information to the Office of Interstate Services, and serve as the responsible liaison for monitoring and following up on requests for additional information. The Office of Interstate Services. Interstate Services shall forward the information to the identified tribe or to the Bureau of Indian Affairs for confirmation of membership or eligibility.

### **C) Presumption of Tribal Affiliation Pending Confirmation**

During the period in which a child's asserted tribal affiliation is pending confirmation, CP&P shall, to the greatest extent practicable, presume the validity of the asserted affiliation.

### **D) Transfer to Tribal Authorities**

Pursuant to ICWA, if a child's membership in or eligibility for membership in a federally recognized tribe is confirmed by the tribe, that tribe may opt to assert jurisdiction over the child's placement. If the tribe elects to do so, transfer of the child to the custody of tribal authorities will be overseen by the Office of Interstate Services.

### **E) Tribal Involvement**

If a child's membership in a federally recognized tribe is confirmed, but the tribe declines to assume responsibility for the placement, CP&P is obligated to involve tribal authorities in the oversight of the case to the extent that they wish to participate. Active efforts shall be made to involve the tribal community in the case to the greatest degree possible. Examples of active efforts include involvement of tribal community in FTMs, use of tribal community resources for service provision when possible, and consultation with tribal leaders regarding social and cultural practices relevant to case planning.

### **F) Prioritization of Tribal Placements**

If a child's membership in a federally recognized tribe is confirmed, but the tribe declines to assume responsibility for the placement, CP&P shall give special priority to out of home placement of that child in the care of members of the specified tribe. Relatives remain the preferred placement provider in all cases, but tribal members shall be preferred to other out of home placement providers.